

ALEXANDER MODESTO,

Plaintiff,

V.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 1:23-cv-00322-BAM

**STIPULATION AND ~~PROPOSED~~
ORDER FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S
COMPLAINT**

The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security (the "Commissioner"), shall have an extension of time to respond to Plaintiff's Complaint in this case.

In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due May 2, 2023. Defendant has not previously requested an extension of this deadline.

2. The certified administrative record (CAR) in this case has not been finalized for filing. The agency's Office of Appellate Operations (OAO) is responsible for preparation of CARs. Counsel for the Commissioner is in contact with OAO to ensure that the CAR is properly certified for filing. Despite diligent efforts OAO has indicated it still needs additional time to prepare the CAR. OAO has recently been dealing with some staff shortages, changes in their processes and a surge of new filings which has led to some delays in production of CARs. Accordingly, Defendant requests an extension of 45 days to respond to Plaintiff's Complaint.

3. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that she has no objections.

4. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until June 16, 2023, respond to Plaintiff's Complaint.

Respectfully submitted,

Law Offices of Francesco Benavides

Date: May 3, 2023

By: /s/ Francesco Benavides
FRANCESCO P. BENAVIDES
Attorney for Plaintiff
(*as authorized by email)

Date: May 3, 2023

PHILIP A. TALBERT
United States Attorney
Eastern District of California

By: /s/ Oscar Gonzalez de Llano
OSCAR GONZALEZ de LLANO
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, and good cause appearing, Defendant shall have an extension, up to and including June 16, 2023, to respond to Plaintiff's Complaint. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: May 3, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE